

ATTY. DOCKET NO. SALK3130-1J **RECEIVED**
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 28 2005

In re Application of:

Downes et al.

Application No.: 10/535,041

Filed: 11/14/2003

For: NON-STEROIDAL FARNESOID X
RECEPTOR MODULATORS

Group Art Unit: 1645

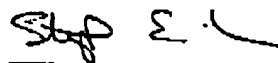
Examiner: Unknown

Confirmation No. 2217

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the documents referred to as enclosed
herein are being facsimile transmitted to: Commissioner
for Patents, P.O. Box 1450, Alexandria VA 22313-1450

Stephen E. Relter, Reg. No. 31,192
(Name of person mailing paper)

 December 28, 2005
Signature Date

Commissioner for Patents
P.O. Box 1450
Washington, D.C.

PETITION UNDER 37 CFR §1.47(a)

Sir:

Applicant hereby petitions the United States Patent and Trademark Office to accept the papers submitted herewith for completion of the filing requirements in the above-identified application.

As detailed in the attached Declaration from Attorney Sheila R. Kirschenbaum, in-house counsel for Applicants Downes and Evans, a copy of the application as filed and the formal papers for signature were separately provided for signature to Attorney Thomas Fitting, the legal representative for inventors Robert Hughes, K.C. Nicolau and Anthony J. Roecker. However, in subsequent telephone conversations with the legal representatives for inventors Robert Hughes, K.C. Nicolau and Anthony J. Roecker (i.e., Jennifer Dyer, Director of the Office of Technology Development at Scripps on December 5, 2005, and Attorney Fitting on December 14, 2005), Attorney Sheila Kirschenbaum was advised that the Declaration for Patent Application would not be signed by these inventors. Thus,

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in spite of repeated efforts to obtain the executed documents from inventors Robert Hughes, K.C. Nicolau and Anthony J. Roecker, it has not been possible to obtain signed documents from any of inventors Robert Hughes, K.C. Nicolau and Anthony J. Roecker.

An executed Declaration of Facts in Support of Petition Under 37 C.F.R. §1.47 is enclosed herewith.

Based on the foregoing, it is submitted that Applicants have satisfied the requirements of 37 CFR 1.47(a).

Please charge the amount of \$130.00 to cover the petition fee to Deposit Account No. 50-0872. The Commissioner is hereby authorized to charge any other fees that may be required by this paper or credit any overpayment to Deposit Account No. 50-0872. A duplicate copy of this Petition is attached.

Respectfully submitted,

Date: December 28, 2005
FOLEY & LARDNER LLP

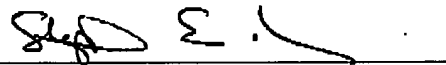
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Enclosures

By



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